UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

    Luis R Johnson

Case No.: 2-15-21105-PRW
Chapter: 7
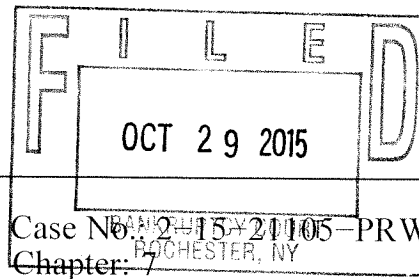
              Debtor(s)

SSN: xxx–xx–7406

ORDER VACATING PRIOR ORDER OF COURT

WHEREAS, an Order Granting Application for Waiver of the Chapter 7 Filing Fee was entered on October 1, 2015;

WHEREAS, said Order granted the Application only to the extent of the filing fee payable to the Clerk of Court upon commencement of the case, but not with respect to the portion of the fee to be disbursed to the case trustee in the amount of $60.00;

WHEREAS, a Clerk's Notice to Pay Statutory Fee was issued on October 1, 2015 to pay the $60.00 case trustee fee by October 15, 2015;

WHEREAS, the Clerk's Office did not receive the $60.00 case trustee fee by October 15, 2015, and an Order Dismissing Chapter 7 Case (the "Dismissal Order") was entered on October 19, 2015;

WHEREAS, by letter from counsel dated October 28, 2015 (ECF No. 21), the Debtor requests that the Court vacate the Dismissal Order, and in support of that request, alleges that he mailed the $60.00 case trustee fee to the Court on October 14, 2015 via U.S.P.S. Overnight mail;

WHEREAS, while it appears the Clerk's Office never received the $60.00 case trustee fee from the Debtor, the Court nevertheless finds the Debtor's allegations credible. Therefore, it is now hereby *Under Rule 59 FRCP + 9023 FRBP*

ORDERED, that the Dismissal Order entered on October 19, 2015 (ECF No. 16) be, and the same is hereby vacated; and it is further

ORDERED, that the Clerk of Court shall make such docket entries to indicate the vactur of the above-referenced Order and, further, to make it clear on the face of the PDF version of the aforesaid Order that said Order has been vacated in and by the instant Order; and it is further

ORDERED, that the balance due of $60.00, remains due and payable to the Clerk of Court, and the debtor is directed to pay to the Clerk of Court $60.00, on or before November 13, 2015.

Dated: _Oct. 29, 2015_
    Rochester, New York

            HONORABLE PAUL R. WARREN
            United States Bankruptcy Judge

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